

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KEVIN LOCKETT,

Plaintiff,

v.

THE HOME DEPOT, INC.,

Defendant.

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Case No.: 21 CV 2956

NOTICE OF REMOVAL

NOW COMES the Defendant, HOME DEPOT U.S.A., INC., incorrectly named herein as HOME DEPOT, INC., and HOME DEPOT, INC., individually (hereinafter collectively identified to as “Home Depot”), by and through their attorney McVEY & PARSKY, LLC, and pursuant to 28 U.S.C.A. 1332, 1441 and 1446, hereby provide notice of their removal of this cause pursuant to said statutes for the following reasons:

1. On or about April 21, 2021, there was commenced and is now pending in the Circuit Court of Cook County, Illinois, County Department, a certain civil action under Case No. 2021 L 004157 in which KEVIN LOCKETT, is the Plaintiff, and HOME DEPOT U.S.A., INC. is the Defendant.

2. The aforementioned lawsuit is brought by the Plaintiff seeking damages for personal injuries under negligence/willful and wanton misconduct theory. The Plaintiff’s Complaint prays for damages in a sum in excess of \$50,000.00.

3. Plaintiff’s Complaint alleges that he suffered injuries as a result of an incident at Home Depot on March 25, 2021. See attached Exhibit “A.” More specifically, upon information

and belief, Plaintiff was shot multiple times, which necessitated extended hospitalization and medical treatment. As a result, Plaintiff “has become liable for large sums of money for medical and hospital care and attention.” Accordingly, Plaintiff will be seeking damages in excess of \$75,000.00.

4. The Defendant states that the above lawsuit involves a controversy with complete diversity of citizenship between citizens of different states, and the Defendant affirmatively states further:

- (a) Plaintiff was at the commencement of this action, and is now, a citizen of the State of Illinois, and is a resident of the State of Illinois, and is not a citizen of the State of Delaware or the State of Georgia.
- (b) The Defendant, HOME DEPOT U.S.A., INC., is a corporation duly created and organized by and under the laws of the State of Delaware with its principal place of business in the State of Georgia, and was not and is not a corporation created or organized under the laws of the State of Illinois, nor does it have its principal place of business in the State of Illinois.

5. This matter involves a controversy between an individual who is a resident of the State of Illinois and a corporation or organized pursuant to the laws of a state other than Illinois, and who has its principal place of business in a state other than Illinois. Further, the amount in controversy involves more than \$75,000.00, exclusive of interest and costs. Accordingly, the District Court for the United States has original jurisdiction over this lawsuit.

6. This Notice of Removal is timely as it is within thirty (30) days of service. Defendant Home Depot was served on May 4, 2021.

7. Attached hereto, and made a part hereof, are copies of the following documents filed by the Plaintiff and forwarded by the Defendant for filing in the Circuit Court of County, Illinois, County Department, Illinois under case #2021 L 004157.

- Plaintiff’s Complaint at Law;

- Plaintiff's Notice of Filing Proof of Service on Defendant;
 - Defendant's Appearance;
 - Defendant's Answer to Plaintiff's Complaint at Law and Affirmative Defenses;
- and

To the Defendant's knowledge, no other documents, or pleadings were filed in said lawsuit.

8. Notice of the filing of this Removal has been given to all parties as required by law, and is attached hereto. A true and correct copy of this Removal has been filed with the Circuit Court of Cook County, Illinois – Law Division, as provided by law.

9. The Defendant herein on removal demands this case be tried by a jury.

WHEREFORE, the Defendant, HOME DEPOT U.S.A., INC., incorrectly named herein as HOME DEPOT, INC., and HOME DEPOT, INC., individually, pray that they may affect removal of the within action from the Circuit Court of Cook County, Illinois – Law Division, to the United States District Court for the Northern District of Illinois – Eastern Division, and that the matter be tried before a jury.

Respectfully submitted,

HOME DEPOT U.S.A., INC.

BY: /s/ Mark Parsky
Mark E. Parsky (ARDC# 6184456)
One of Its Attorneys

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 02, 2021, I electronically filed the foregoing with the Clerk of the Court using CM/ECF. I also certify that the foregoing is being served this day on all counsel of record identified below via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronic Notice of Electronic Filing:

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By: /s/ Mark Parsky
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